

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC.,

Defendant.

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**PLAINTIFF'S MOTION TO COMPEL FACT INFORMATION SHEETS**

Plaintiff, Cruz Valdivieso Figuera, through her undersigned counsel and pursuant to Fed. R. Civ. P. 64, 69, Local Rule 7.1, and other applicable Rules and laws, requests that the Court enter an Order compelling each of the Defendant, All VIP Care Inc., to complete and return a Fact Information Sheet based on the following good cause:

**MOTION TO COMPEL FACT INFORMATION SHEET**

1. Rule 69(a)(2) of the Federal Rules of Civil Procedure entitles a prevailing party to employ discovery in furtherance of execution on a judgment:

In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person--including the judgment debtor--as provided in these rules or by the procedure of the state where the court is located.

2. Rule 1.560(c) of the Florida Rules of Civil Procedure, in turn, permits a judgment creditor such as the Plaintiff to request of the Court the following:

In addition to any other discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, **shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within**

**45 days of the order or such other reasonable time as determined by the court.**

3. Having secured an award of attorney's fees and costs against Defendant, All VIP Care Inc. [ECF 182], Plaintiff requests that the Court require it to complete a Florida Form 1.977 Fact Information Sheet, including all attachments, within 15 days, in the form(s) appended hereto as Exhibit A. *See Whitwam v. JetCard Plus, Inc.*, 2014 WL 6433226 (S.D. Fla. Nov. 13, 2014).

4. Plaintiff further requests the Court require Defendant to complete the appropriate Florida Form 1.977 Fact Information Sheet in the form(s) appended hereto and "to fax and/or hand-deliver the same to Plaintiffs' Counsel," with all required attachments, within 30 days of service of the Fact Information Sheet on Defendant. *Rodriguez v. Super Shine & Detailing, Inc.*, 2013 WL 4786596, at \*4 (S.D. Fla. Sept. 6, 2013).

5. Local Rule 7.1 specifically exempts post-judgment collection/execution motions from the conferral requirement, so none has been made herein.

For the foregoing reasons, Plaintiff respectfully requests the Court to compel Defendant, All Care VIP, Inc., to complete and return a Form 1.977 Fact Information Sheet, with all required attachments, to Plaintiff's counsel within 30 days of service of the Fact Information Sheets on Defendant.

Respectfully submitted this 13th day of September 2024.

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